

STATE OF SOUTH CAROLINA

COUNTY OF ORANGEBURG

Morris Aiken et al

vs.

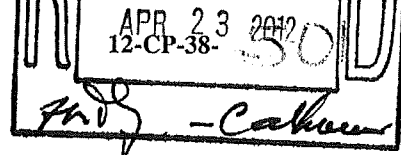
Orangenburg County et al

Plaintiff(s)

Defendant(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVER SHEET



(Please Print)

Submitted By: Shane M. Burroughs

Address: PO Box 2789

Orangenburg, SC

SC Bar #: 70346

Telephone #: (803) 268-9800

Fax #: (803) 531-3465

Other:

E-mail: shane@landblawfirm.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

☒ **JURY TRIAL** demanded in complaint.☐ **NON-JURY TRIAL** demanded in complaint.This case is subject to **ARBITRATION** pursuant to the Circuit Court Alternative Dispute Resolution Rules.This case is subject to **MEDIATION** pursuant to the Circuit Court Alternative Dispute Resolution Rules.

This case is exempt from ADR (certificate attached).

NATURE OF ACTION (Check One Box Below)**Contracts**

Constructions (100)

Debt Collection (110)

☒ Employment (120)

General (130)

Breach of Contract (140)

Other (199)

Torts - Professional Malpractice

Dental Malpractice (200)

Legal Malpractice (210)

Medical Malpractice (220)

Other (299)

Torts - Personal Injury

Assault/Slander/Libel (300)

Conversion (310)

Motor Vehicle Accident (320)

Premises Liability (330)

Products Liability (340)

Personal Injury (350)

Other (399)

Real Property

Claim & Delivery (400)

Condemnation (410)

Foreclosure (420)

Mechanic's Lien (430)

Partition (440)

Possession (450)

Building Code Violation (460)

Other (499)

Inmate Petitions

PCR (500)

Sexual Predator (510)

Mandamus (520)

Habeas Corpus (530)

Other (599)

Judgments/Settlements

Death Settlement (700)

Foreign Judgment (710)

Magistrate's Judgment (720)

Minor Settlement (730)

Transcript Judgment (740)

Lis Pendens (750)

Other (799)

Administrative Law/Relief

Reinstate Driver's License (800)

Judicial Review (810)

Relief (820)

Permanent Injunction (830)

Forfeiture (840)

Other (899)

Appeals

Arbitration (900)

Magistrate-Civil (910)

Magistrate-Criminal (920)

Municipal (930)

Probate Court (940)

SCDOT (950)

Worker's Comp (960)

Zoning Board (970)

Administrative Law Judge (980)

Public Service Commission (990)

Employment Security Comm

Special/Complex /Other

Environmental (600)

Automobile Arb. (611)

Medical (620)

Pharmaceuticals (630)

Unfair Trade Practices (640)

Other (699)

ATTEST: TRUE COPY

Wingja B. Clark

CLERK OF COURT
ORANGEBURG COUNTY, SC

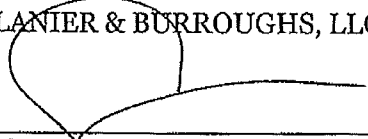
Submitting Party Signature

Date: 4.10.12

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCF, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

date of such service; and if you fail to answer the Complaint within the aforesaid time, the Plaintiffs in this action will apply to the Court for the relief demanded in this Complaint, and a judgment by default will be rendered against you for the relief demanded in this Complaint.

LANIER & BURROUGHS, LLC



Shane M. Burroughs, Esquire
Post Office Drawer 2789
Orangeburg, SC 29116
(803) 268-9800

and

Gerald J. Davis, Esquire
THE DAVIS LAW FIRM, P.C.
P.O. Box 844
Orangeburg, SC 29116
(803) 531-3888

ATTORNEYS FOR THE PLAINTIFFS

April 10, 2012
Orangeburg, South Carolina

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF ORANGEBURG)	FOR THE FIRST JUDICIAL CIRCUIT
)	
MORRIS AIKEN, ROSLAND BAKER,)	CASE NO: 2012-CP-38- <u>501</u>
WANDA BOWMAN, ALTHEA BROWN,)	
FRED BROWN, NATALIE BROWN,)	
CELIA DAVIS, LATOYA ECHOLS,)	
JONATHAN EVANS, MARGARET FELDER,)	
CHANTELLE FINE, SANDY FRANKLIN,)	COMPLAINT
CYNTHIA GREEN, EVELYN HADDOCK,)	(Jury Trial Demanded)
DERRICK HAMPTON, DAVID HARLEY,)	
TIMOTHY HAYWOOD, CHRISTOPHER JAMES)	
SONYA JAMISON, CONSTANCE JOHNSON,)	
THOMAS JOHNSON, KERRY KING,)	
ROXANNE LaLANDE, ANGELINE LEE,)	
EMMANUEL McDUFFIE, HARRIE MINTZ,)	
MONICA MORGAN, ANTHONY MUIR,)	
ORA MURRAY, GREGORY PAUL,)	
EARTHA POWELL, MARTIN REVANDER,)	
MARVIN RHODAN, TONI ROBINSON-ORR,)	
DELEASERA ROGERS, SONYA ROGERS,)	
NELSON SATONES, MARY SELLERS,)	
ELLEN SMALLS, JOHN STOKES,)	
KENDRIC TYLER, RODNEY T. TYLER, SR.,)	
TONYA TYLER, TOMEKA WEST,)	
JANET WILLIAMS, MELANIE WILLIAMS,)	
both individually and on behalf of all other)	
similarly situated persons,)	
)	
PLAINTIFFS,)	
)	
vs.)	
)	
ORANGEBURG COUNTY,)	
CALHOUN COUNTY, AND)	
THE ORANGEBURG-CALHOUN)	
DETENTION CENTER)	
)	
DEFENDANTS.)	

2012 APR 10 PM 4:20
FILED
CLERK OF COURT
ORANGEBURG COUNTY, SC

The Plaintiffs, by and through their attorneys, file this Complaint herein against the Defendants and allege upon knowledge, or upon information and belief where appropriate, as follows:

ATTEST: TRUE COPY
Winnia B. Clark
 CLERK OF COURT
 ORANGEBURG COUNTY, SC

INTRODUCTION

1. Plaintiffs bring this action individually and on behalf of similarly situated employees of the Defendants to require Defendants to pay wages owed to Plaintiffs, which Defendants willfully failed to pay in violation of §7 of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 201, *et seq.* ("the Act").

2. The Plaintiffs seek unpaid overtime wages, liquidated damages, interest, and costs and attorneys' fees as well as declaratory relief under the Fair Labor Standards Act (FLSA), 29 U.S.C. §201, *et seq.*

JURISDICTION AND VENUE

3. This Court has jurisdiction of Plaintiffs' claims pursuant to 29 U.S.C. §201, *et seq.* and 29 U.S.C. §216(b). This State Court has concurrent jurisdiction of claims arising under the Act.

4. Venue is proper because the Defendants transact business in this County; Plaintiffs were employed by the Defendants in this County; and the acts giving rise to the Plaintiffs' cause of action occurred in this County.

FACTS

5. Plaintiffs Morris Aiken, Rosland Baker, Wanda Bowman, Althea Brown, Fred Brown, Natalie Brown, Celia Davis, Latoya Echols, Jonathan Evans, Margaret Felder, Chantelle Fine, Sandy Franklin, Cynthia Green, Evelyn Haddock, Derrick Hampton, David Harley, Timothy Haywood, Christopher James, Sonia Jamison, Constance Johnson, Thomas Johnson, Kerry King, Roxanne LaLande, Angeline Lee, Emmanuel McDuffie, Harrie Mintz, Monica Morgan, Anthony Muir, Ora Murray, Gregory Paul, Eartha Powell, Martin Revander, Marvin Rhodan, Toni Robinson-Orr, Deleasera Rogers, Sonya Rogers, Nelson Satones, Mary Sellers, Ellen Smalls, John Stokes, Kendric Tyler, Rodney T. Tyler, Sr., Tonya Tyler, Tomeka West, Janet Williams, Melanie Williams, (hereinafter "Correctional Employees" or "Plaintiffs") are citizens and residents of Orangeburg County, South Carolina. Each named Plaintiff is a current

hourly non-exempt employee of the Defendants who earned, but did not receive, compensation for time worked, together with time and one-half pay for time spent over 171 hours in each 28 day work period for the preceding three (3) years.

The term "Plaintiffs" as used in this Complaint refers to the named Plaintiffs and those similarly situated who were not paid time and one-half overtime pay for hours over 171 in each 28 day work period as required by the FLSA, pursuant to 29 U.S.C. §216(b), individually, collectively, or in any combination.

6. At all times pertinent hereto, each of the Plaintiffs was an "employee" as defined by 29 U.S.C. §203 (e).

7. At all times pertinent hereto, each of the Defendants was an "employer" as defined by 29 U.S.C. §203 (d).

8. Defendants are engaged in substantial activities relating to interstate commerce. The employees of the Defendants regularly conducted business and activities on subjects and goods which have moved in interstate commerce as defined by 29 U.S.C. §203 .

9. Defendants hired and employed the Plaintiffs as security officers. Each of the named Plaintiffs has been employed by the Defendants for more than three (3) years.

10. During their employment by the Defendants, the Plaintiffs have worked as non-exempt hourly employees in the Orangeburg-Calhoun Detention Center. Additionally, the Plaintiffs regularly worked in excess of 171 hours in a 28 day work period.

11. Defendants willfully failed to pay overtime wages to the Plaintiffs for hours worked in excess of 171 in a 28 day work period in violation of the Act and the accompanying regulations. On information and belief, Defendants have for more than three (3) years, willfully, deliberately and intentionally refused to pay Plaintiffs for time actually worked, and for time and one-half pay for overtime worked.

FOR A FIRST CAUSE OF ACTION

12. That the Plaintiffs re-allege and reiterate the allegations set forth in Paragraphs 1 through 11, as if set out herein verbatim.

13. The Defendants failed to pay overtime wages to the Plaintiffs as required by the Fair Labor Standards Act, 20 U.S.C. §201, *et seq.* and its implementing regulations.

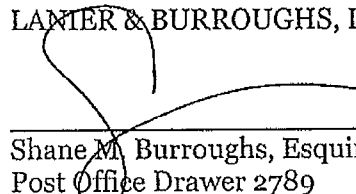
14. The Defendants' failure to pay proper overtime wages for each hour worked over 171 in a 28 day work period was willful within the meaning of 20 U.S.C. §255.

15. The Defendants' failure to comply with the Fair Labor Standards Act caused Plaintiffs to suffer loss of wages thereon.

WHEREFORE, Plaintiffs request that this Court enter an order:

- A. Declaring that the Defendants violated the Fair Labor Standards Act;
- B. Declaring that the Defendants' FLSA violations were willful;
- C. Granting judgment to the Plaintiffs for their claims of unpaid wages as secured by the Fair Labor Standards Act, as well as an equal amount in liquidated damages, and awarding Plaintiffs' costs and reasonable attorneys' fees;
- D. Granting such further relief as the Court finds just and proper.

LANIER & BURROUGHS, LLC


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(803) 268-9800

and

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ATTORNEYS FOR THE PLAINTIFFS

April 12, 2012
Orangeburg, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

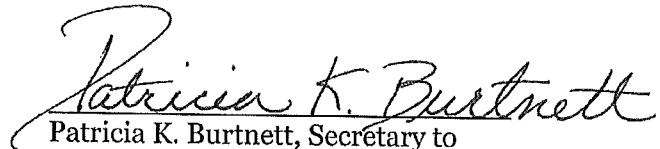
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CERTIFICATE OF MAILING

I, Patricia K. Burtnett, secretary to Shane M. Burroughs, attorney for the Plaintiffs in the matter of Morris Aiken et al vs. Orangeburg County, Calhoun County, and The Orangeburg -Calhoun Detention Center do hereby certify that I have served the foregoing **Summons and Complaint** by mailing a copy of same, with postage pre-paid, by United States certified mail, restricted delivery, and return receipt requested, addressed to:

Calhoun County
Administrator F. Lee Prickett, Jr.
Courthouse Annex
102 Courthouse Drive
Suite 108
St. Matthews, SC 29135

LANIER & BURROUGHS, LLC



Patricia K. Burtnett, Secretary to
SHANE M. BURROUGHS, ESQUIRE
ATTORNEY FOR THE PLAINTIFFS
Post Office Box 2789
250 Gibson Street
Orangeburg, South Carolina 29116

April 20, 2012
Orangeburg, South Carolina

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LEWIS C. LANIER
SHANE M. BURROUGHS
CHARLES J. MCCUTCHEN

TELEPHONE:
(803) 268-9800

April 20, 2012

FAX: (803) 531-3465

Via Certified Mail-Restricted Delivery-Return Receipt Requested

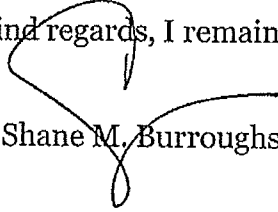
Calhoun County
Administrator F. Lee Prickett, Jr.
Courthouse Annex
102 Courthouse Drive
Suite 108
St. Matthews, SC 29135

Re: Morris Aiken et al vs. Orangeburg County, Calhoun County, and
The Orangeburg-Calhoun Detention Center
Case No.: 2012-CP-38-501

Dear Sir:

I hope this letter finds you doing well. Enclosed herewith please find and hereby served upon you as Administrator for Calhoun County is a clocked copy of a Summons and Complaint regarding the above-referenced matter.

With kind regards, I remain truly yours,


Shane M. Burroughs

\pkb
enclosure
cc: Gerald J. Davis
CERTIFIED #7011 2970 0003 7654 3773
RESTRICTED DELIVERY
RETURN RECEIPT REQUESTED